
Introduced by Senator Lara

February 21, 2013

An act to amend Section 25253 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 498, as introduced, Lara. Hazardous materials: green chemistry.

Existing law, part of the hazardous waste control laws, requires the Department of Toxic Substances Control to adopt, by January 1, 2011, regulations to establish a process by which chemicals of concern in products, and their potential alternatives, are evaluated to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern. The regulations are required to specify actions that the department may take following the completion of the analysis.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25253 of the Health and Safety Code is
- 2 amended to read:
- 3 25253. (a) (1) On or before January 1, 2011, the department
- 4 shall adopt regulations pursuant to this section that establish a
- 5 process for evaluating chemicals of concern in consumer products,
- 6 and their potential alternatives, to determine how best to limit
- 7 exposure or to reduce the level of hazard posed by a chemical of
- 8 concern, in accordance with the review process specified in Section
- 9 25252.5. The department shall adopt these regulations in

1 consultation with all appropriate state agencies and after conducting
2 one or more public workshops for which the department provides
3 public notice and provides an opportunity for all interested parties
4 to comment.

5 (2) The regulations adopted pursuant to this section shall
6 establish a process that includes an evaluation of the availability
7 of potential alternatives and potential hazards posed by those
8 alternatives, as well as an evaluation of critical exposure pathways.
9 This process shall include life cycle assessment tools that take into
10 consideration, but shall not be limited to, all of the following:

- 11 (A) Product function or performance.
- 12 (B) Useful life.
- 13 (C) Materials and resource consumption.
- 14 (D) Water conservation.
- 15 (E) Water quality impacts.
- 16 (F) Air emissions.
- 17 (G) Production, in-use, and transportation energy inputs.
- 18 (H) Energy efficiency.
- 19 (I) Greenhouse gas emissions.
- 20 (J) Waste and end-of-life disposal.
- 21 (K) Public health impacts, including potential impacts to
22 sensitive subpopulations, including infants and children.
- 23 (L) Environmental impacts.
- 24 (M) Economic impacts.

25 (b) The regulations adopted pursuant to this section shall specify
26 the range of regulatory responses that the department may take
27 following the completion of the alternatives analysis, including,
28 but not limited to, any of the following actions:

- 29 (1) Not requiring any action.
- 30 (2) Imposing requirements to provide additional information
31 needed to assess a chemical of concern and its potential
32 alternatives.
- 33 (3) Imposing requirements on the labeling or other type of
34 consumer product information.
- 35 (4) Imposing a restriction on the use of the chemical of concern
36 in the consumer product.
- 37 (5) Prohibiting the use of the chemical of concern in the
38 consumer product.
- 39 (6) Imposing requirements that control access to or limit
40 exposure to the chemical of concern in the consumer product.

1 (7) Imposing requirements for the manufacturer to manage the
2 *consumer* product at the end of its useful life, including recycling
3 or responsible disposal of the consumer product.

4 (8) Imposing a requirement to fund green chemistry challenge
5 grants where no feasible safer alternative exists.

6 (9) Any other outcome the department determines accomplishes
7 the requirements of this article.

8 (c) The department, in developing the processes and regulations
9 pursuant to this section, shall ensure that the tools available are in
10 a form that allows for ease of use and transparency of application.

11 The department shall also make every feasible effort to devise
12 simplified and accessible tools that consumer product
13 manufacturers, consumer product distributors, *consumer* product
14 retailers, and consumers can use to make consumer product
15 manufacturing, sales, and purchase decisions.